

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MEDEQUA LLC,

Plaintiff,

-against-

O'NEILL & PARTNERS LLC,

Defendant.
----- X

ORDER

21 Civ. 6135 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On October 13, 2021 Defendant O'Neill and Partners LLC filed its third motion seeking a stay or modification of my contempt order dated September 23, 2021. ECF 52. Defendant's third motion is denied.

Escrow agent Brian O'Neill's suggestion that a fine or a cash deposit be substituted for his return to custody is rejected. Since the purpose of the custody is to deposit in court the remaining balance of the escrow, a fine or cash deposit is not a realistic remedy. In his declaration O'Neill represents that he does not have the money. ECF 53. If he lacks the funds to return money that was to be held in escrow, he cannot afford a deposit. His better ability to obtain funds if he is released is not credible. His desire to attend to his children's school needs cannot, in the circumstances, hinder or delay his obligation immediately to deposit all the escrow funds in court.

O'Neill shall surrender for custody as I have ordered previously, by this morning,
October 14, 2021 at 10:00 a.m.

SO ORDERED.

Dated: October 14, 2021
 New York, New York

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein", written over a horizontal line.

ALVIN K. HELLERSTEIN
United States District Judge